REMARKS:

I. Introduction

In an Office Action mailed on January 27, 2009, the Examiner rejected claims 1 to 17 and 21 to 23. The present amendment cancels claims 5 to 7, 9, and 14 to 16, amends claims 1, 8, 10, 17, and 21, and adds new claims 24 to 30. Accordingly, claims 1 to 4, 8, 10 to 13, 17 and 21 to 30 are now pending in this application.

II. Claim Rejections Pursuant to 35 U.S.C 101

The Examiner rejected claims 1 to 9 and 21 to 23 pursuant to 35 U.S.C 101 because "the independent claims fails to meet the machine-or –transformation test."

Independent claims 1 and 21, and claims dependent therefrom, are allowable because claims 1 and 21 have been amended to include a computer programmed for specific claimed purpose. The specifically programmed computer is a machine which meets the machine-or transformation test. Reconsideration and withdrawal of the rejection is requested.

III. Claim Rejections Pursuant to 35 U.S.C 112

The Examiner rejected claims 2 and 11 pursuant to 35 U.S.C 112 as indefinite because the term "the report" does not have antecedent basis in the claims.

Applicant agrees that the term "a report" does not appear in independent claims 1 and 10. However, the term "a report" appears in dependent claims 2 and 11 prior to the use of the term "the report". Therefore, proper antecedent basis for the term is provided in the claims. Accordingly, no amendment is required. Reconsideration and withdrawal of the rejection is requested.

IV. Claim Rejections Pursuant to 35 U.S.C 103

The Examiner rejected claims 10 to 17 pursuant to 35 U.S.C 103(a) as unpatentable over Mack (the Background section of the present application).

The Background section of the present application describes a process typically referred to in the hotel industry as a "call around." In this process, front desk employees call competing hotels to determine if the hotels have rooms available and if so, the cost for the available rooms. The process is very time consuming because many phone calls must be made. The information

is used <u>only</u> by the manager or other employees of that particular collecting hotel to determine if their own rates should be adjusted based upon the apparent availability and rate of rooms at competing hotels. This information is used only by the collecting hotel and is not shared with competing hotels. The information received by this process is limited to what information can obtained by the employee during the call. The information typically received is limited to whether there is a room available and the rate. The information received in this process is also not very reliable because it quickly becomes stale and also because it is being obtained from competitors who do not want to provide the information to competing hotels.

In contrast, the present invention obtains current daily rate and current daily room information from participating hotels which have entered agreements with a service provider to voluntarily provide the information directly to the service provider. Because the information is obtained by willing participants, the information is timelier, more reliable, and more expansive. The service provider then makes collective information availability to all of the participating of hotels. The information can then be used by the plurality of hotels to reliably adjust their own rates and also, when a hotel is sold out or overbooked, to refer potential customers to other hotels that have comparable rooms currently available. By providing an alternative to the potential customer, the potential customer is much more likely to have a favorable impression of the hotel and utilize the hotel in the future. Thus, the present invention is clearly not a simple automation of the common "call around" practice.
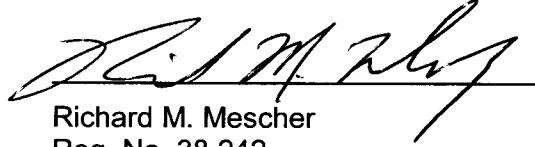
Independent claim 10, and claims dependent therefrom, are allowable because they each require "wherein the computer is programmed to receive occupancy and rate information <u>directly</u> from a plurality of hotels" and wherein the computer is <u>programmed to provide current information to each of the plurality of hotels</u> including current daily rate information of the plurality of hotels and current room availability information of the plurality of hotels." No prior art of record discloses or reasonably suggests the present invention as now claimed by independent claim 10. Reconsideration and withdrawal of the rejection is requested.

V. Conclusion

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite

prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,

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